

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3                   FEI FEI FAN,  
4                                   Plaintiff

5                   v.

6                   YAN YAO JIANG and WEI WU,  
7                                   Defendants  
8

Case No.: 3:21-cv-00458-MMD-CSD

**Order Denying Defendant's Motion for  
Protective Order and to Shorten Briefing  
Schedule and Striking Plaintiff's Notice of  
Deposition**

Re: ECF Nos. 190, 197, 198

9                   Defendant Jiang filed a motion for protective order (ECF No. 197) and motion to shorten  
10 time to brief the protective order (ECF No. 198.) These motions are in response to a notice of  
11 deposition of Defendant filed on the docket by Plaintiff. (ECF No. 190.) In that notice, Plaintiff  
12 requests a deposition schedule that covers four calendar days for three hours each day. (*Id.*) For  
13 the reasons discussed below, the court denies Defendant's motions without prejudice. However,  
14 the court also strikes Plaintiff's notice of deposition as improper.

15                  The court will first address Defendant's motions. Despite repeated attempts by Defendant  
16 to meet and confer with Plaintiff before filing the motion for protective order, ultimately no meet  
17 and confer occurred. (ECF No. 197.) LR IA 1-3(f) provides that the meet and confer  
18 "requirement may only be satisfied through direct dialogue and discussion in a face-to-face  
19 meeting, telephone conference, or video conference." Although Defendant made concerted  
20 efforts to do so, there was no "good-faith effort to meet and confer as defined in LR IA 1-3(f)  
21 before filing the motion" and thus the court will not consider the discovery motion. LR 26-6(c).

22                  Although the failure to conduct a meet and confer is the basis for denying Defendant's  
23 motions, based on these motions and previous briefing in this case, it seems the meet and confer

1 did not happen because *Plaintiff* has decided she no longer wishes to engage in any meet and  
2 confer efforts. The court previously warned Plaintiff that “continued failure to participate in the  
3 meet and confer process may lead to sanctions, including those under LR IA 11-8 in addition to  
4 any sanction available under the Federal Rules of Civil Procedure, statutes, or case law for a  
5 party’s failure to comply with the meet-and-confer requirement. LR IA 1-3(f)(3).” (ECF No.  
6 204.) Although the court gives some latitude to pro se litigants, Plaintiff is exhibiting a pattern of  
7 failing to follow the court’s Local Rules and the Rules of Civil Procedure despite repeated  
8 warnings that she must comply with the rules. The court will therefore issue yet another warning:  
9 although proceeding *pro se*, Plaintiff must comply with the rules. *Carter v. Comm’r of Internal*  
10 *Revenue*, 784 F.2d 1006, 1008 (9th Cir. 1986) (“Although pro se, [plaintiff] is expected to abide  
11 by the rules of the court in which he litigates.”).

12 Turning to Plaintiff’s notice of deposition, this filing is improper for many reasons. First  
13 and foremost, per the Local Rules, “deposition notices and deposition transcripts must not be  
14 filed with the court until they are used in the proceeding, unless the court orders otherwise.” LR  
15 26-7. The court has not ordered otherwise and thus will strike the deposition notice from the  
16 docket. LR IC 7-1 (“The court may strike documents that do not comply with these rules.”).

17 Further, Plaintiff’s notice of deposition is also improper under Federal Rule of Civil  
18 Procedure. Per Rule 30(d)(1), “[u]nless otherwise stipulated or ordered by the court, a deposition  
19 is limited to 1 day of 7 hours.” Thus, unless otherwise agreed to by the parties or ordered by the  
20 court, a deposition may only occur during one calendar day and may last up to seven hours.  
21 Requesting a deposition spanning four calendar days is improper.

22 Thus, for the reasons above, Defendant’s motions for protective order and to shorten  
23 briefing are denied and Plaintiff’s deposition notice is stricken. If Plaintiff seeks to take

1 Defendant's deposition, she must issue a proper notice of deposition that complies with the  
2 court's Local Rules and the Federal Rules of Civil Procedure. The parties are encouraged to meet  
3 and confer to attempt to resolve any issues relating to Defendant's deposition without further  
4 court intervention. Plaintiff has been repeatedly cautioned that continued failure to comply with  
5 the court's Local Rules and the Rules of Civil Procedure may result in sanctions and is now  
6 cautioned that failure to comply with meet and confer requirements will result in sanctions.

7 **IT IS THEREFORE ORDERED** that Defendant's motion for protective order (ECF  
8 No. 197) and motion to shorten briefing (ECF No. 198) are **DENIED** without prejudice and with  
9 leave to refile.

10 **IT IS FURTHER ORDERED** that Plaintiff's notice of deposition (ECF No. 190) be  
11 **STRICKEN** from the docket.

12 **IT IS SO ORDERED.**

13 Dated: May 21, 2025

14   
15 \_\_\_\_\_  
16 Craig S. Denney  
17 United States Magistrate Judge  
18  
19  
20  
21  
22  
23